

Senate Bill No. 695

CHAPTER 647

An act to amend Section 14011.10 of, and to add and repeal Section 14011.11 of, the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor October 9, 2011. Filed with
Secretary of State October 9, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

SB 695, Hancock. Medi-Cal: county juvenile detention facilities.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Under existing law, an inmate of a public institution who is under 21 years of age is ineligible to receive Medi-Cal benefits for a specified period of time.

This bill, subject to the receipt of federal financial participation, would, until January 1, 2014, provide that Medi-Cal benefits may be provided to an individual awaiting adjudication in a county juvenile detention facility if the individual is eligible to receive Medi-Cal benefits at the time he or she is admitted to the detention facility, or the individual is subsequently determined to be eligible for Medi-Cal benefits, and the county agrees to pay the state's share of Medi-Cal expenditures and the state's administrative costs for the above-described benefits and implementation of these provisions. This bill would provide for continuation of the Medi-Cal benefits until the date of the individual's adjudication, after which benefits would be suspended as provided in specified existing law, if the individual is an inmate of a public institution. This bill would set forth specified conditions that would affect the implementation of the above-described provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 14011.10 of the Welfare and Institutions Code is amended to read:

14011.10. (a) Except as provided in Section 14011.11, benefits provided under this chapter to an individual under 21 years of age who is an inmate of a public institution shall be suspended in accordance with Section 1396d(a)(28)(A) of Title 42 of the United States Code as provided in subdivision (c).

(b) County welfare departments shall notify the department within 10 days of receiving information that an individual under 21 years of age on Medi-Cal in the county is or will be an inmate of a public institution.

(c) If an individual under 21 years of age is a Medi-Cal beneficiary on the date he or she becomes an inmate of a public institution, his or her benefits under this chapter and under Chapter 8 (commencing with Section 14200) shall be suspended effective the date he or she becomes an inmate of a public institution. The suspension shall end on the date he or she is no longer an inmate of a public institution or one year from the date he or she becomes an inmate of a public institution, whichever is sooner.

(d) Nothing in this section shall create a state-funded benefit or program. Health care services under this chapter and Chapter 8 (commencing with Section 14200) shall not be available to inmates of public institutions whose Medi-Cal benefits have been suspended under this section.

(e) This section shall be implemented only if and to the extent allowed by federal law. This section shall be implemented only to the extent that any necessary federal approval of state plan amendments or other federal approvals are obtained.

(f) If any part of this section is in conflict with or does not comply with federal law, this entire section shall be inoperable.

(g) This section shall be implemented on January 1, 2010, or the date when all necessary federal approvals are obtained, whichever is later.

(h) By January 1, 2010, or the date when all necessary federal approvals are obtained, whichever is later, the department, in consultation with the Chief Probation Officers of California and the County Welfare Directors Association, shall establish the protocols and procedures necessary to implement this section, including any needed changes to the protocols and procedures previously established to implement Section 14029.5.

(i) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department shall implement this section by means of all-county letters or similar instructions without taking regulatory action. Thereafter, the department shall adopt regulations in accordance with the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 2. Section 14011.11 is added to the Welfare and Institutions Code, to read:

14011.11. (a) To the extent that federal financial participation is available, Medi-Cal benefits may be provided to an individual awaiting adjudication in a county juvenile detention facility if both of the following requirements are met:

(1) The individual is eligible to receive Medi-Cal benefits at the time the individual is admitted to the juvenile detention facility or the individual is subsequently determined to be eligible for Medi-Cal benefits.

(2) The county agrees to pay the state's share of Medi-Cal expenditures and the state's administrative costs for benefits and implementation under this section. Counties that elect to participate shall agree to pay the

nonfederal share of the department's administrative costs in accordance with this section.

(b) Benefits available pursuant to this section shall continue until the date of the individual's adjudication. After adjudication, if the individual is an inmate of a public institution, benefits shall be suspended as provided in Section 14011.10.

(c) This section shall not be construed to require a county to pay the state's share of Medi-Cal expenditures or the state's administrative costs for Medi-Cal benefits that the state is obligated to provide pursuant to an administrative action or court order that is final and no longer subject to appeal.

(d) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department may implement and administer this section by means of all-county letters or similar instructions without taking regulatory action.

(e) This section shall be implemented only if, and to the extent that, both of the following occur:

(1) The department receives written confirmation from the federal Centers for Medicare and Medicaid Services that federal financial participation is available to implement this section pursuant to Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396 et seq.).

(2) The director executes a declaration that states that implementation of this section will not jeopardize the state's ability to receive federal financial participation or any increase in federal medical assistance percentage (FMAP) available on or after October 1, 2008, or additional federal funds that the director, in consultation with the Department of Finance, has determined would be advantageous to the state. The director shall retain the original declaration and post the declaration on the department's Internet Web site.

(f) (1) If at any time the director determines that the statement in the declaration executed pursuant to paragraph (2) of subdivision (e) may no longer be accurate, the director shall give notice to the Joint Legislative Budget Committee and to the Department of Finance. Thereafter, if the director determines, in consultation with the Department of Finance, that it is necessary to cease implementation of this section in order to receive federal financial participation or any increase in FMAP available on or after October 1, 2008, or additional federal funds that the director, in consultation with the Department of Finance, has determined would be advantageous to the state, the director shall cease implementation of this section, and shall execute a declaration to that effect. The director shall retain the original declaration and post the declaration on the department's Internet Web site.

(2) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department may implement paragraph (1) by means of all-county letters or similar instructions, without taking regulatory action.

(g) If this section is implemented pursuant to subdivision (e), it shall be implemented commencing on the date that both conditions described in subdivision (e) have been satisfied.

(h) If a federal audit disallowance and interest results from claims made under the process created pursuant to this section, the department shall recoup from the county that received the disallowed funds the amount of the disallowance and any applicable interest.

(i) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.